

REMARKS

Further to the prior telephone discussions with the Examiner, the present amendments are submitted in an effort to amend the claims taking into consideration the Examiner's proposal in the last sentence of the first paragraph on page 3 of the Office Action that "Claims containing both this concept and the collar concept would be considered drawn to allowable subject matter." As the undersigned indicated on the telephone, while the present amendments are not limited to the specific collar embodiment, the amendments do incorporate features that should be similarly allowable.

Third Reiteration of Request for Interview:

Once again, the undersigned formally reiterates the request for an interview. It is most respectfully requested that the Examiner contact the undersigned to discuss this case in the event that the Examiner does not directly proceed to an allowance of this case.

It is most respectfully requested that the Patent Office not issue another Office Action without accommodating Applicant's right to an interview in this case.

Remarks Regarding Amendments:

Among other things, the present amendments take into consideration the Examiner's comments at the end of the first paragraph of page 3 of the Office Action. As recognized by the Examiner, the present disclosure supports claims "drawn to allowable subject matter." Among other things, the present claims are drafted in a manner to be directed to allowable subject matter while still covering embodiments that do not expressly recite the language "collar."

It is respectfully submitted that the references do not teach or suggest the invention as claimed. Early reconsideration and allowance is respectfully requested.

Remarks Regarding Rejections:

In the Office Action, claims 1-8 were rejected over a combination of **eight** (8) references under 35 U.S.C. 103 -

namely, over (1) Whetstone in view of (2) Ferrero (or vise-versa) further in view of (3) Bassett, (4) Moderer, (5) Moses, (6) Boon, (7) Terrasi, and (8) Klahn, et al. These rejections are most respectfully traversed, as follows.

First, it is respectfully submitted that the Examiner's combination of **eight** references is improper. There is no reason to combine these disparate references, and such piecemeal combinations of a multitude of references without any suggestion is, most respectfully, demonstrative of the improper nature of the rejections.

Second, of the cited references, only the Klahn, et al. reference is now added. All of the prior submitted arguments regarding the first seven references are incorporated herein by reference. See, e.g., pages 10-17 of the Amendment filed on My 18, 2004.

Third, with respect to the newly cited reference of Klahn, et al. it is respectfully submitted that there is no reason to combine this reference with the cited references. As admitted by the Patent Office, the Klahn, et al. reference "teaches a single sheet wrapper rather than two parts." It is respectfully

submitted that it does not make sense to use this reference to support the Examiner's position that "Klahn, et al. is relied on as further evidence of the conventionality of wrapping of a two sectioned edible wherein the **seam of the sections** is covered by the wrapping and not a **seam of the wrapping.**" See Office Action at 2 (quotation from Office Action) (emphasis added). Firstly, the Klahn, et al. reference does not have a similar **seam between sections**, but has a "filling material 8 of a liquid or cream-like consistency" (see col. 3, lines 27+) such that it is "flowable confectionary mass" (See col. 4, lines 14+) poured via a pouring device 24. The liquid confectionary 8 is closed with a capping mass 9 and wrapped. It is respectfully submitted that the Klahn, et al. reference does not contemplate similar issues related to a product with, e.g., parts connected substantially freely along a connecting line. Secondly, the Klahn, et al. does not have a similar **seam between wrappings**. As the Examiner notes, the reference only employs one wrapper.


It is most respectfully submitted that the references do not teach or suggest the combinations of features as claimed. As previously indicated, it is respectfully submitted that the Patent Office's rejections are based on (1) improper reliance on deficient references which do not teach the features claimed and

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(2) mis-characterizations of Applicant's inventions and
knowledge in the art.

Concluding Remarks:

In view of the above amendments and remarks, it is respectfully submitted that all of the pending claims satisfy the requirements of the patent statutes. Early reconsideration and allowance are respectfully requested. In the event that any fees are now due, please charge our Deposit Account No. 02-2135.

RESPECTFULLY SUBMITTED,					
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